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## TRANSMITTAL FORM

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Total Number of Pages in This Submission

3

Application Number	09/928,563
Filing Date	08/13/2001
First Named Inventor	Elliot Karl Kolodner
Art Unit	2161
Examiner Name	Leroux, Etienne Pierre
Attorney Docket Number	GB920000100US1

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Remarks		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Holland + Knight LLP		
Signature	<i>Michael J. Buchenhorner</i>		
Printed name	Michael J. Buchenhorner		
Date	Aug. 3, 2005	Reg. No.	33,162

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Signature	<i>Michael J. Buchenhorner</i>		
Typed or printed name	Michael J. Buchenhorner	Date	Aug. 3, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/928,563  
Applicant : Elliot Karl Kolodner  
Filed : 08/13/2001  
TC/A.U.: 2161  
Examiner : Leroux, Etienne Pierre  
Docket No. : GB920000100US1  
Customer No. : 34,663  
For : Computer System with Two Heaps in  
Contiguous Storage

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL**

Sir:

Applicant hereby appeals to the Board of Appeals from the decision of the final rejection dated May 19, 2005, finally rejecting claims 1-3,5,6,1-0-16,18,19,23-29,31,32, and 36-39. The Commissioner is hereby authorized to charge the \$500.00 fee and any additional fees to Deposit Account No. 50-0510.

In a telephone conversation with Examiner Etienne Pierre Leroux on August 2, 2005, the undersigned was told that the above-captioned patent application was allowed based on an amendment made May 3, 2005, and that no petition for extension of time would be required for filing a document responsive to the final office action such that the application is not abandoned. Applicant has not received a notice of allowance even though PAIR appears to indicate that the status of the application is "allowed." Therefore, Applicant does not believe that any extension time is required. However, in the event that an extension of time were required, applicant petitions the Commissioner for the required extension and authorizes the Commissioner to charge the additional fees to Deposit Account No. 50-0510.

08/08/2005 MBERHE 00000024 500510 09928563

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Docket No. GB920000100US1

Serial No. 09/928,563

Respectfully submitted,

*Michael J. Buchenhorner*  
Michael J. Buchenhorner  
Reg. No. 33,162

Date: August 3, 2005

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CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on August 3, 2005.

*Michael J. Buchenhorner*  
Michael J. Buchenhorner

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